

REMARKS

Claims 17 to 25 and 27 to 32 are pending in the application; claims 26 and 33 are canceled with the instant amendment.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because of the subject matter of claim 33 that is not illustrated.

Claim 33 has been canceled.

Specification

The specification is objected to as failing to provide proper antecedence because nothing is mentioned in regard to the storage case with rod-shaped securing element, i.e., the embodiment of claim 33. Claim 33 has been canceled.

In regard to the disclosure of claim 8, lines 3 and 4, it is respectfully submitted that the term "downwardly" is incorrect; the term has been replaced in the specification with the correct term "outwardly" (Fig. 6 shows the cutout 13 radially adjacent to the base plate 19).

As regards the radial spacing in lines 21-22 of page 8, the paragraph has been amended and now sets forth that the spacing decreases (the inner end 8a is moved toward the rigid support 16 as the tongue is rotated with its upper end inwardly when the cam 11 is pushed across the edge of the data disk; see bottom half of the 2nd paragraph of page 9 of the specification).

Claim Rejections - 35 U.S.C. 112

Claim 33 stands rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description requirement; claim 33 is canceled.

Claim 27 stands rejected for antecedence problems. The claim 27 has been reworded to properly introduce the first and second segments.

Reconsideration and withdrawal of the rejection of the claims under 35 USC 112 are respectfully requested.

Rejection under 35 U.S.C. 102

Claims 17 to 25 and 27 to 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Belden* (US 6,196,384).

Claim 17 has been amended to include the features of claim 26 so that the 102 rejection no longer applies.

Rejection under 35 U.S.C. 103

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Belden* (US 6,196,384) and *Mathien* (US 2003/0136689).

Claim 17 has been amended by incorporating therein the features of claim 26 and also features taken from the specification (page 5, 4th paragraph). The snap-on cams 11 of the tongues 6 (see Fig. 4) each have a bottom side with a slanted portion. The tongues, when applying a pressure force acting in a direction that is perpendicular to the base plate onto the pressure element without a data disk being inserted, move exclusively in said direction without moving relative to the pressure element, i.e., the pressure element 7 and the tongues 6 are moved together without bending of the tongues or a relative movement of the tongues relative to the pressure element.

However, when a data disk is inserted, the downward movement of the fastening zone 3 relative to the data disk causes the upper ends of the tongues 6 to be pushed inwardly to thereby initiate release of the locking action performed by the cam 11 on the data disk. In order to enable this inward movement of the tongues 6 as a result of the downward movement of the fastening zone 3 with the pressure element 7, the cams 11 have a slanted bottom portion that allows the inner edge of the data disk to slide across. Without such a slanted bottom portion on the cam 11 the pressure exerted onto the inner edge of the data disk would be so great that the inner edge would become damaged rather than the inner edge being released.

The function of the device according to *Belden* becomes apparent when looking at Figs. 4 and 5. The arms 100 (vertical in Fig. 4 and tilted in Fig. 5) have a lip 110 that secures the data disk 30 (Fig. 4). Pushing on the button 60 causes the hinged arms 70 to collapse in a multi-hinged movement sequence in order to release the lip 110 on the arm section 100. This is disclosed in col. 9, lines 16 to 37, of *Belden*:

“When a person wants to remove item 30 from storage container 10, the person creates a downward force on center button 60 causing **hinged arms 70 to collapse inwardly and downwardly causing lip 110 to disengage** upper surface 114 of item 30. This also causes bumps 95 on arms 70 to move downwardly and disengage item 30 leaving item 30 to be supported by bumps 95 on second support sections 150.”

“As may be seen in FIG. 5, the downward force causes **fifth hinge 128** to close drawing

retaining lip 110 radially inwardly. The downward force also causes **first hinge 86, second hinge 92, and third hinge 102** to open allowing center button to move down drawing retaining lip 110 down with it. The person removing item 30 continues to apply the downward force until retaining lip 110 is below lower surface 46 of item 30. As shown in FIG. 5, second arm section 90 is angularly disposed with respect to the plane of base wall 40 at this time. Third arm section 100 is also pulled inwardly at an angle and is no longer normal to the plane of base wall 40. Furthermore, first arm section 80 has been moved downwardly and is no longer disposed at the same angle as first support section 142. "

Belden therefore teaches a complex multi-part lever action for tilting the arm section 100 with the integral lip 110 out of engagement at the data disk 30. Due to the multi-hinged and multi-sectioned arm configuration this tilting action leading to the position shown in Fig. 5 will occur with or without a data disk being placed into the receptacle. Since the lip 110 is moved or tilted with the arm section 100 out of engagement at the data disk 30, there is no need to provide the bottom side of the lip with a slanted portion. It is therefore not obvious to provide the lip 110 with a slanted portion.

Belden teaches a movement of the arm section or tongues independent of the presence of a disk in the receptacle. The disk and the lip 110 do not interact when the button 60 is suppressed; the lip 110 is simply moved out of the way because the arm section 100 is tilted in accordance with the multi-hinged arrangement and this movement occurs with or without a disk being present. The cited reference does not disclose that pressure element 60 and the tongues (i.e. arm section 100 with lip 110) are moved in unchanged relative configuration downwardly when no disk is present.

In contrast to *Belden*, the present invention claims a configuration where the fastening zone 3 with tongues 6 and pressing element 7 is moved downwardly without any bending or relative movement of the tongues 6 with the cams 11 relative to the pressing element in a situation where no disk is received. The pressing element 7 and the tongues 6 move together in unchanged relative configuration downwardly. The present invention thus provides a stiffer and safer securing means for the data disk. Moreover, since bending of the tongues occurs only when needed, i.e., when a data disk is actually present and is to be removed, the arrangement is subjected to less stress at the bending locations and the compensation parts and therefore a longer service life is to be expected.

Claim 17 as amended is therefore believed to be allowable over the cited combination of references together with its dependent claims.

Reconsideration and withdrawal of the rejection of the claims under 35 USC are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on October 14, 2009.

/Gudrun E. Hockett/

Ms. Gudrun E. Hockett, Ph.D.
Patent Agent, Registration No. 35,747
Schubertstr. 15a
42289 Wuppertal
GERMANY
Telephone: +49-202-257-0371
US-Fax: (877) 470-9712
gudrun.draudt@t-online.de

GEH